

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

CHARLES BLEVINS,

Petitioner,

Case No. 1:05-cv-038

-vs-

Magistrate Judge Michael R. Merz

PAT HURLEY, Warden,

Respondent.

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**BRIEFING ORDER**

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With the denial on this date of Petitioner's Renewed Motion for Discovery, this case is ripe for decision. This case has now been pending for more than seven years and is one of only two cases on this judge's impending Civil Justice Reform Act for September 30, 2012, which is over three years old. Respectful of judicial independence, Congress did not impose in the Act any absolute limits on the time within which cases must be decided, but the three-year trigger for reporting indicates at least a threshold where, *prima facie*, concerns might be raised about timeliness. Although the case was stayed for a substantial period to permit exhaustion, it is still more than twice as old as the CJRA trigger date.

Therefore the Court is determined that this case will be decided before September 30, 2012. To that end, Petitioner's counsel is ordered to file a merit brief not later than July 2, 2012, to which Respondent may reply not later than July 26, 2012. All counsel are cautioned that briefs

must comply with the Local Rules and must contain record references for all assertions.

June 9, 2012.

s/ **Michael R. Merz**  
United States Magistrate Judge